

**REMARKS**

I. In item number 3 on page 2 of the Office Action, the Examiner stated that the Declaration is defective.

Attached hereto is a Substitute Declaration wherein priority to U.S. Ser. No. 60/155,979 is claimed under 35 U.S.C. 119 (e).

II. In item number 5 at the bottom of page 2 of the Office Action, claims 1-23, 29 and 37-40 were rejected under 35 U.S.C. § 102 (a) over McCormick et al.

The rejection is traversed for the following reasons.

McCormick et al. do not teach each and every element of the claimed invention.

Nevertheless, because McCormick et al. is a publication of the inventors, attached hereto is a Declaration demonstrating that not all of the authors of McCormick et al. are inventors, that Declaration rendering McCormick et al. ineffective as a reference against the claims of the instant invention.

Accordingly, the rejection must be removed.

III. In item number 9 on page 3 of the Office Action, claim 3 was found to contain a typographic error.

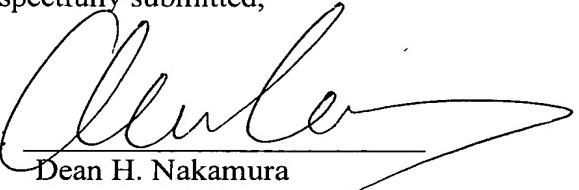
Applicants thank the Examiner for her attention to the claims and the correction has been made.

**CONCLUSION**

Applicants have taken steps to advance prosecution in the instant application. It is believed that the application now is in condition for allowance and early notification thereof is requested respectively. If any issues remain unresolved, the Examiner is urged to contact the undersigned at the local exchange noted hereinbelow. The Commissioner is authorized to charge Deposit Account No. 18-2220 for any fees that may be triggered by the filing of the instant amendment.

Respectfully submitted,

By:

  
Dean H. Nakamura  
Reg. No. 33,981

Roylance, Abrams, Berdo & Goodman, L.L. P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076  
Date: 27 June 2002

MARKED-UP CLAIM

3. (Amended) The polypeptide of Claim [21] 2 which is produced transiently in said transformed or transfected plant.